

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36621 of 2022**

Arising Out of PS. Case No.-40 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

RAM DEO SAH S/O LATE MARU SAH Resident of Village- Mansarpur,
P.S.- Industrial Area, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Industrial Area P.S. Case No. 40 of 2022 Bhagalpur for the
offences under Sections 20(b)(ii)(c)/22 of the NDPS Act.

As per the allegation in the FIR, the police upon
information that the petitioner had kept ‘Ganja’ in a wooden
‘Gumti’, raided the said place and it is alleged that 52 cigarettes
filled up with ‘Ganja’ weighing 1kg 200 grams was/were
recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
‘Gumti’ placed in an open area, the same cannot be attributed to



him and he has already suffered by being in custody since 8.3.2022, despite having no criminal antecedent. It is his last submission that the recovered/seized quantity does not fall in the commercial quantity.

Considering all the aforesaid facts, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 10,000/- through Demand Draft in favour of Bihar State Legal Services Authority, Patna. However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of IVth Additional Sessions Judge, Bhagalpur, in connection with Industrial Area P.S. Case No. 40 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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